

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable W. Richard Lee  
Hearing Date: Thursday, January 16, 2014  
Place: Department B – Courtroom #12  
Fresno, California

**INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS**

1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. **Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar.** Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. **If no disposition is set forth below, the hearing will take place as scheduled.**

2. Submission of Orders:

Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.

3. Matters Resolved Without Opposition:

If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Vicky McKinney, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.

4. Matters Resolved by Stipulation:

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the tentative ruling together with the proposed order resolving the matter.

5. Resubmittal of Denied Matters:

If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

9:00 A.M.

1. [13-17930](#)-B-11 ELIAZAR/LOURDES GONZALEZ MOTION TO EXTEND AUTOMATIC STAY  
TOG-2 1-3-14 [[18](#)]  
ELIAZAR GONZALEZ/MV  
THOMAS GILLIS/Atty. for dbt.

This matter will be trailed to the 10:00 A.M. calendar. No appearance is necessary at 9:00 a.m. Debtors' counsel shall notify his clients of this change.

2. [13-16954](#)-B-11 MADERA ROOFING, INC. MOTION FOR RELIEF FROM  
AUTOMATIC STAY MOTION  
WEST STAR CONSTRUCTION, MODIFICATION OF THE DISCHARGE  
INC./MV INJUNCTION  
12-20-13 [[74](#)]  
ERIC FROMME/Atty. for dbt.  
TODD JONES/Atty. for mv.

The motion will be denied without prejudice. The moving papers do not include an appropriate docket control number as required by Local Rule 9014-1(c).

In addition, the form and/or content of the notice do not comply with Local Rule 9014-1(d).

The motion requests an order modifying the discharge injunction. However, no discharge has been entered in this case.

Finally, the moving papers were not served on the U.S. Trustee and on the creditors as required by Bankruptcy Rule 4001(a). No appearance is necessary.

**10:00 A.M.**

1. [13-16432](#)-B-7 PATRICK/MARGARET BOWMAN CONTINUED MOTION TO WAIVE  
PLF-1 REQUIREMENT THAT DEBTORS FILE  
PATRICK BOWMAN/MV SCHEDULE I AND/OR MOTION TO SET  
DIFFERENT TIME PERIOD FOR  
COMPUTING CURRENT MONTHLY  
INCOME  
10-2-13 [[8](#)]

PETER FEAR/Atty. for dbt.

**The matter has been withdrawn by stipulation of the parties. No appearance is necessary.**

2. [13-14445](#)-B-7 DAVID ADAMS MOTION TO SELL  
TMT-1 12-19-13 [[14](#)]  
TRUDI MANFREDO/MV  
GEORGE LOGAN/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

3. [13-13454](#)-B-7 ROBERT/CARRI WARREN CONTINUED STATUS CONFERENCE RE:  
[13-1089](#) AMENDED COMPLAINT  
GEORGE V. WARREN 11-15-13 [[15](#)]  
RUSSELL REYNOLDS/Atty. for pl.  
RESPONSIVE PLEADING

**This matter will be dropped from calendar. The court intends to dismiss this adversary proceeding. Based on the court's intention to dismiss the bankruptcy case on the debtors' motion below, the dischargeability issues raised in the adversary proceeding will be moot. No appearance is necessary.**

4. [13-13454](#)-B-7 ROBERT/CARRI WARREN MOTION TO DISMISS CASE  
DRJ-2 12-10-13 [[21](#)]  
ROBERT WARREN/MV  
DAVID JENKINS/Atty. for dbt.  
RESPONSIVE PLEADING

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The case will be dismissed. The court will enter a civil minute order. No appearance is necessary.**

5. [13-15554](#)-B-7 RICHARD/KAYING ELMER MOTION TO COMPEL ABANDONMENT  
RTW-1 12-14-13 [[54](#)]  
RICHARD ELMER/MV  
RICHARD WHEELER/Atty. for dbt.
6. [13-17654](#)-B-7 MARIBEL ANGUIANO MOTION FOR WAIVER OF THE  
MARIBEL ANGUIANO/MV CHAPTER 7 FILING FEE OR OTHER  
FEE  
12-2-13 [[5](#)]  
MARIBEL ANGUIANO/Atty. for mv.  
RESPONSIVE PLEADING

**The debtor(s) application to waive the chapter 7 filing fee will be deemed withdrawn. The trustee's objection will be overruled as moot. In response to the trustee's objection, the debtor(s) has/have consented to pay the filing fee in installments. No appearance is necessary.**

7. [11-17957](#)-B-7 BENJAMIN HUDSON AND TIA MOTION TO COMPROMISE  
TMT-3 POPE-HUDSON CONTROVERSY/APPROVE SETTLEMENT  
TRUDI MANFREDO/MV AGREEMENT WITH NEWPORT  
CORPORATION  
12-19-13 [[37](#)]  
MICHAEL WESTON/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

8. [11-17957](#)-B-7 BENJAMIN HUDSON AND TIA MOTION FOR IN CAMERA REVIEW OF  
TMT-4 POPE-HUDSON SETTLEMENT AGREEMENT WITH  
TRUDI MANFREDO/MV TRUSTEE AND NEWPORT CORPORATION  
12-19-13 [[42](#)]  
MICHAEL WESTON/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

9. [11-17957](#)-B-7 BENJAMIN HUDSON AND TIA MOTION FOR COMPENSATION FOR  
TMT-5 POPE-HUDSON AMANDA HAWES, SPECIAL  
AMANDA HAWES/MV COUNSEL(S),  
12-19-13 [[47](#)]  
MICHAEL WESTON/Atty. for dbt.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

10. [13-11565](#)-B-7 ROBERT/KAREN JONES MOTION TO SELL  
TMT-1 12-17-13 [[17](#)]  
TRUDI MANFREDO/MV  
PETER FEAR/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

11. [12-14281](#)-B-7 ANTONIO/DOLORES AGUIRRE MOTION TO COMPROMISE  
RH-4 CONTROVERSY/APPROVE SETTLEMENT  
PETER FEAR/MV AGREEMENT WITH CESAR BELMONTES  
12-17-13 [[43](#)]  
RICHARD DWYER/Atty. for dbt.  
ROBERT HAWKINS/Atty. for mv.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

12. [13-17082](#)-B-7 RONALD RUSHING MOTION TO DISMISS CASE FOR  
TMT-1 UNREASONABLE DELAY THAT IS  
TRUDI MANFREDO/MV PREJUDICIAL TO CREDITORS  
12-12-13 [[23](#)]  
RYAN ELLIS/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.

10:30 A.M.

1. [13-17403](#)-B-7 JERRY/TERESA CRAIN  
TJS-1  
TINKER FEDERAL CREDIT UNION/MV  
MARK ZIMMERMAN/Atty. for dbt.  
TIMOTHY SILVERMAN/Atty. for mv.  
NON-OPPOSITION

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
12-17-13 [[15](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

2. [13-15747](#)-B-7 JOSE LUIS/BELEN ALEJO  
PD-1  
WELLS FARGO BANK, N.A./MV  
MARK ZIMMERMAN/Atty. for dbt.  
DHRUV SHARMA/Atty. for mv.  
DISCHARGED, NON-OPPOSITION

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
11-27-13 [[27](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be denied as moot as to the debtor(s) because their discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

3. [13-15761](#)-B-7 CARL/BARBARA HARNESS  
APN-1  
SANTANDER CONSUMER USA INC./MV  
SCOTT LYONS/Atty. for dbt.  
AUSTIN NAGEL/Atty. for mv.  
DISCHARGED

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
12-18-13 [[25](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be denied as moot as to the debtor(s) because their discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

**11:00 A.M.**

1.     [13-17375](#)-B-7     RAUL PUENTES AND CAROLINA SALGADO     PRO SE REAFFIRMATION AGREEMENT WITH LOBEL FINANCIAL CORP.  
12-26-13 [[14](#)]

1:30 P.M.

1. [13-12331](#)-B-13 LILIA GARCIA  
CJO-1  
GREEN TREE SERVICING LLC/MV  
THOMAS GILLIS/Atty. for dbt.  
CHRISTINA O/Atty. for mv.  
MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
12-27-13 [[79](#)]
2. [13-17532](#)-B-13 JAYCE/LISA LEWIS  
  
JERRY LOWE/Atty. for dbt.  
ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
12-31-13 [[19](#)]
3. [13-16349](#)-B-13 SATNAM RANDHAWA  
SL-1  
SATNAM RANDHAWA/MV  
STEPHEN LABIAK/Atty. for dbt.  
MOTION TO CONFIRM PLAN  
11-22-13 [[23](#)]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

4. [11-62650](#)-B-13 RUDOLFO URRABAZO  
ALG-1  
RUDOLFO URRABAZO/MV  
JANINE ESQUIVEL/Atty. for dbt.  
MOTION TO MODIFY PLAN  
12-2-13 [[34](#)]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

5. [13-13962](#)-B-13 MARIA MENDEZ-GONZALES  
RCP-5  
MARIA MENDEZ-GONZALES/MV  
REYNALDO PULIDO/Atty. for dbt.  
MOTION TO CONFIRM PLAN  
12-2-13 [[73](#)]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

6. [12-11970](#)-B-13 RANDY DESHAZIER  
TCS-3  
RANDY DESHAZIER/MV  
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO MODIFY PLAN  
12-10-13 [[63](#)]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

7. [13-12985](#)-B-13 OSWALDO BARAJAS AND ERICA  
GH-3 CARDENAS-NAVA  
OSWALDO BARAJAS/MV  
GARY HUSS/Atty. for dbt.

MOTION TO APPROVE LOAN  
MODIFICATION  
12-10-13 [[49](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument. The court does not approve or disapprove the terms of a mortgage modification outside of a chapter 13 plan. See *In re Wofford*, 449 B.R. 362 (Bankr. W.D. Wis. 2011). However, the court will authorize the debtor(s) to enter into a modification agreement on terms to be negotiated between the debtor(s) and the mortgagee so long as modification of the mortgage does not interfere with the debtor(s) duties and trustee's administration of the chapter 13 plan. The moving party shall submit a proposed order. No appearance is necessary.

Nothing in this ruling may be construed as a modification of the debtors' current chapter 13 plan which requires the trustee to service this loan, together with monthly arrearage payments, in class 1.

8. [12-16588](#)-B-13 DAVID/REGINA HOLMES  
PBB-1  
DAVID HOLMES/MV  
PETER BUNTING/Atty. for dbt.

MOTION TO MODIFY PLAN  
12-10-13 [[52](#)]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

**2:00 P.M.**

1. [13-16726](#)-B-13 DUSTEN/LAURIE ZUMWALT  
MHM-1  
MICHAEL MEYER/MV  
PETER BUNTING/Atty. for dbt. MOTION TO DISMISS CASE FOR  
FAILURE TO MAKE PLAN PAYMENTS  
12-31-13 [[21](#)]
2. [13-12331](#)-B-13 LILIA GARCIA  
MHM-1  
MICHAEL MEYER/MV  
THOMAS GILLIS/Atty. for dbt.  
MICHAEL MEYER/Atty. for mv. MOTION TO DISMISS CASE FOR  
FAILURE TO MAKE PLAN PAYMENTS  
12-31-13 [[89](#)]
3. [13-11547](#)-B-13 SILVANO CERVANTES  
MHM-2  
MICHAEL MEYER/MV  
  
SCOTT LYONS/Atty. for dbt. MOTION TO DISMISS CASE FOR  
FAILURE TO MAKE PLAN PAYMENTS  
AND/OR MOTION TO DISMISS CASE  
12-31-13 [[49](#)]
4. [13-16347](#)-B-13 ALFONSO JURADO  
MHM-1  
MICHAEL MEYER/MV  
  
SCOTT LYONS/Atty. for dbt. MOTION TO DISMISS CASE FOR  
FAILURE TO MAKE PLAN PAYMENTS  
AND/OR MOTION TO DISMISS CASE  
12-31-13 [[36](#)]
5. [13-15871](#)-B-13 DOMENICO FERRUA AND  
MHM-1 SHAWNA GILES  
MICHAEL MEYER/MV  
PETER FEAR/Atty. for dbt. MOTION TO DISMISS CASE FOR  
FAILURE TO MAKE PLAN PAYMENTS  
12-31-13 [[72](#)]

**This matter will be dropped from calendar without a disposition. The case has already been dismissed. No appearance is necessary.**

6. [13-16881](#)-B-13 JOHNNY/GLORIA ALEJANDREZ  
MHM-1  
  
PETER BUNTING/Atty. for dbt. OBJECTION TO CONFIRMATION OF  
PLAN BY MICHAEL H. MEYER  
12-10-13 [[29](#)]
7. [13-16783](#)-B-13 ALVARO FLORES  
MHM-1  
MICHAEL MEYER/MV  
JERRY LOWE/Atty. for dbt. MOTION TO DISMISS CASE FOR  
FAILURE TO MAKE PLAN PAYMENTS  
12-31-13 [[28](#)]

**The motion has been withdrawn. No appearance is necessary.**

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8. [13-16593](#)-B-13 JASPAL AMROKE AND BALJIT  
MHM-1 KAUR  
MICHAEL MEYER/MV  
THOMAS GILLIS/Atty. for dbt. MOTION TO DISMISS CASE FOR  
FAILURE TO MAKE PLAN PAYMENTS  
12-31-13 [[46](#)]